



KRIMINĀLTIESĪBU APAKŠNOZARE

AN INSIDE VIEW OF ORGANIZED CRIME IN ESTONIA ON THE EXAMPLE OF THREE CRIMINAL ORGANIZATIONS

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Introduction

Criminal organizations are distinguished by the criminal market where criminal services are provided, as well as the area of activity to which they are linked. In most cases, criminal organizations reflect the societies, cultures and value systems that serve as their breeding grounds. In the increasingly internationalizing and integrating Europe, organized crime is becoming more international and more cross-border than ever¹.

On 21 December 1998, the EN adopted a joint action on the criminalization of membership in a criminal organization in the Member States of the European Union on the basis of Article K.3 of the EU Treaty². On September 1, 2002, the revision of Penal Code came into force³, which criminalized the membership of criminal associations and their organization. These provisions were included in the Penal Code on the grounds that Estonia ratified the United Nations Convention against Transnational Organized Crime ("the Palermo Convention") on 4 December 2002, which aims to promote cooperation on the prevention of transnational organized crime⁴. In addition, Estonia has also joined the Council of Europe Framework Decision 2008/841/JHA on the fight against organized crime, which is thus the third international measure that defines the concept of organized crime⁵. However, this definition does not adequately describe the complex and flexible nature of modern organized crime networks. The supply and demand for illicit products and services of criminal organizations operating in the criminal business environment are facilitated by social tolerance for certain types of crime, such as the sale of pirated goods and fraudulent acts committed against a seemingly anonymous public

sector or large companies. These factors will continue to shape the face of organized crime. Single criminals and criminal groups are flexible and adapt quickly to misusing new victims, prevention of countermeasures, or finding new criminal opportunities⁶.

In EU criminal markets dominate alongside the so-called project-based organized crime and the so-called "loose network structures," also hierarchical criminal networks. The lion's share (60%) of suspects related to organized and serious crimes in the EU is made up of nationals of the Member States. More than a third of the criminal organizations operating in the EU are engaged in drug trafficking, the drug trade or drug distribution. Organized crime against property, illegal migration, trafficking in human beings⁷ and tax fraud are also in the focus of criminal organizations of the EU⁸. In recent years criminal entrepreneurs with certain expertise have emerged in various criminal markets Crime-as-a-Service (CaaS) who provide illegal services to criminal organizations⁹. According to Europol, more than 5,000 criminal networks are currently under investigation in the EU, and almost half (45%) of them are involved in at least two areas of crime¹⁰.

Notwithstanding the organized crime of smuggling bootleg alcohol in the twenties and thirties of the last century in Estonia and, more generally, in the Baltic Sea region¹¹, we can talk about organized crime in Estonia only since the end of the eighties of the last century. So some of the criminal associations have since been having an effect. According to the Central Criminal Police, there are currently between 10 and 15 classical criminal organizations operating in Estonia. No longer can criminal groups be distinguished on the basis of

national identity, as they may include representatives of different nationalities. The Central Criminal Police also pay attention to the activities of the motorcycle gangs. The latter, however, have not so far been caught in an illicit act in Estonia¹². It should be noted here that Hell's Angels MC has expanded to Estonia, with clubs in Tallinn and Tartu¹³. Also, the infamous MC Bandidos that has also been at enmity with the Hell's Angels in Scandinavia¹⁴ has settled down in Estonia¹⁵.

In 2016, 28,986 crimes were registered in Estonia. Between 2007 and 2016, the number of registered crimes has decreased by 42%¹⁶. In Estonia, crimes related to belonging to criminal networks and their management have no significant effect on general crime statistics. Last year, 20 criminal proceedings related to criminal organizations made it to court in Estonia, and a decision was already made regarding them in 16 cases. In 2015, these numbers were 14 and 10 respectively and in 2014, 11 and 8 respectively.

A wider audience was the apprehension and sending to the court of Assar Paulus' group, the criminal organizations of Haron Dikajev and Andrei Kuzyakin in 2016. The author analyzes the organized crime of Estonia in the context of large-scale trials involving these three criminal organizations, regarding which a ruling has entered into force for Paulus, and the leading figures in his group. Harju County Court convicted nearly half of all parties to the Dikajev trial on June 8, 2017. In terms of Haron Dikajev himself and other key persons, no ruling has yet been made¹⁷. In the case of Kuzyakin's criminal organization, litigation will continue, which is why, in the case of the latter and Dikajev, the author relied on relevant material published in the press. The author looks at the power hierarchy and modus operandi of these criminal organizations following the so-called "world of thieves" of the Russian criminal subculture, and related to the so-called "common fund" of the core organization of the Estonian underworld¹⁸. In the article, the author has also used specialized literature and legislation. In addition, the author has conducted an expert interview with the Chief Police Officer of the Central Criminal Police. The author of this article is not going to cover the so-called "Kolkhoz" (Collective Farm), which was liquidated by the Criminal Police of the Eastern Prefecture last year¹⁹. Gang leader Roman Smirnov and his crew were sentenced in October 2017²⁰. The activities of the hierarchical criminal organization were under conspiracy, systematic and long-lasting (the oldest crimes in

this criminal case originated from 2005). The offenders who controlled the Ida-Viru County drug trafficking included men over 35 who had been earlier sentenced to criminal liability for violent crime. The so-called Kolkhoz was also associated with the leaders of organized crime in Tallinn²¹.

The criminal organization of Haron Dikajev

For many years Dikajev under the radar of the Estonian Criminal Police, he has repeatedly been tried, but he has thus far escaped from serious accusations. So Dikajev was accused of organizing the killing of a competitor in the underworld war of 1995. In September 2002, Dikajev was arrested on suspicion of the organization of a murder of a media businessman²². As is known to the author, in the nineties of the last century Dikajev was carrying a grenade in his pocket when operating as a bodyguard of one of the so-called metal businessman of Tallinn.

Allegedly, the criminal organization led by Haron Dikajev operated at least since August 2011, and during that time committed tax fraud, scams, and offenses against a person²³. It is known that a strict hierarchy governed within the group. The criminal organization consisted of 13 people, most of whom have repeatedly been convicted of criminal offenses. In addition, the organization also used the so-called "figureheads". According to the collected evidence, Dikajev gave orders to the members of the organization; he had to be provided with transport at the necessary time. On a daily basis, the so-called brigadier controlled the activities of the members of the organization and the execution of Dikajev's orders. In addition to the leader and the Brigadier, three more people belonged to the so-called elite of the group. The management resided in Tallinn in premises camouflaged as a sports club where members of the gang of the lower position did not have access to. Only the so-called elite communicated with Dikajev, those with the lower ranking of the hierarchy had to do it through an intermediary, who was mostly the brigadier²⁴.

The criminal organization led by Dikajev financed its activities through various economic and property crimes. The organization participated in VAT fraud in Latvia and Lithuania, resulting in damage to hundreds of thousands of euros. In addition, they led scams in Estonia that involved the so-called "figureheads", who agreed to a fee to sign purchase and loan contracts under their own name. The criminal organization cared

for its members, funded them and, if necessary, secured them with a living space. At the same time, the members of the community were physically punished for non-compliance or non-execution of orders, while the punishment was not resisted. At this point, it is worth emphasizing the fact that the Central Criminal Police began the procedure as early as the end of 2012,²⁵ which suggests that it is extremely time-consuming and difficult to prosecute such hierarchical, deeply conspiratorial criminal associations.

The criminal organization of Assar Paulus

Assar Paulus, born on August 15, 1962, was a member of the National Defense League since 1996. He has never been convicted in the Republic of Estonia, but Paulus was convicted in the Estonian SSR because he took part in group rape²⁶. However, to the author's knowledge, for example, during the past decade, Paulus once helpfully gave assistance to a young lady who had got stuck on the road with her vehicle due to technical problems, and who happened to be the daughter of a high-ranking border guard officer at the time.

From the beginning of 2006, Assar Paulus led a criminal organization with the permanent division of responsibilities, which engaged in drug crimes, extortion, as well as economic and personal offenses with the purpose to acquire material benefits. Paulus, in accordance with the established chain of command, gave orders, tasks, and codes of conduct to various members of the criminal organization for organizing and committing crimes and distributing the material benefits resulting therefrom. Multi-level governance was in place in the criminal organization, and the substructures of the criminal organization were divided according to the territorial division and, according to the indictment, Paulus used businesses to try to legitimize his activities²⁷. Paulus was sentenced to 7 years in jail for leading a criminal organization in 2016, and two companies and ten individuals related to him were punished. Paulus was also convicted for the financing of drug trafficking. Paulus financed the drug trafficking from Spain, the Netherlands, France, and Belgium to Estonia and from Estonia further to Russia, and to Finland. In 2009-2013, the criminal organization trafficked from Spain and the Netherlands to Estonia and Russia around 6.6 tons of hashish for more than 23 million euros, as well as thousands of Subutex pills were smuggled from France and Belgium to Estonia, and thereafter, to Finland. Drug cargo

was transported with 5th and 7th series BMWs specifically tailor-made for contraband²⁸.

Not all members of the criminal organization were allowed to interact directly with Paulus; they normally did so through a person higher standing in the hierarchy. Thus, in a criminal organization, there was a relationship of subordination to the leader and other members of the criminal group standing higher in the hierarchy of the criminal organization. Cash payments were made by the members of the criminal organization, which were forwarded to Paulus directly or via the senior members in the hierarchy. These payments formed the common means of the criminal organization, referred to among the members by, among others, the terms "pot", "pot money", "fund", "common fund" and "kettle". As a rule, the size of payments was usually 10% of unlawful income and 25% in case of debt collections. The funds of the criminal organization were used for solving the problems of the criminal organization, and to help financially support the persons in detention, and to cover their legal expenses. The purpose of the payment of financial support to imprisoned members was to keep persons who committed crimes on behalf of the organization loyal to the organization, which in turn ensured the permanence of the organization. Similarly, common funds were used to lend money to the members of the criminal organization or to carry out criminal projects²⁹.

Criminal organization of Andrey Kuzyakin

Andrei Kuzyakin is among the leading figures in the Estonian underworld, who allegedly represented the interests of the group of car thieves in the so-called "common fund" for many years. In 1994, Kuzyakin was convicted of group extortion. In 2003, the police found a bag of narcotic drugs and an illegal pistol Makarov, and ammunition in his apartment³⁰.

Andrey Kuzyakin led a criminal organization consisting of criminals from Lääne-Viru County from Tallinn. The Rakvere branch of the Kuzyakin group was led by a person who, along with his kickboxer son and other people, committed a series of crimes. One of the most serious accusations concerns slavery of a man. Kuzyakin had also the right-hand in Tallinn. The group was engaged in extortion, one of the offenses concerns cheating a landowner out of a plot of land. Ten percent of the yields after the sale of the property was allocated to the so-called "common fund". The criminal organization is also involved in the theft of fuel,

tractors, building materials, and tools. An ATV was stolen from a local business. The criminal organization also sought people who would be prepared to provide them with identity documents in order to obtain goods using installment loans. Insurance fraud also took place³¹. The leader of Rakvere branch of the criminal organization is characterized as a very violent person. The group had its own treasurer. Kuzyakin's assistant in Tallinn was called "the elder". The leader of Rakvere branch paid ten percent of the money earned to Kuzyakin. The latter organized the work of the organization, gave orders that were carried out without question. Disobedience was punished. Kuzyakin demanded the criminals pay a tithe every month, stressing that it is for all of them, sharing money for those who are serving imprisonment, and for their families³².

Discussion

Today, it can be argued that Timo Kyntäjä made a premature conclusion in 2004 when he found that persistent hierarchical criminal structures had surrendered to "project-based" networks³³. The criminal subculture of the so-called "world of thieves" which has grown out of GULAG still has its negative impact on the Baltic Sea Region, including the organized crime in Estonia, and its reproducer is the prison system, and ties with representatives of organized crime in the Russian Federation³⁴. It is somewhat exceptional that criminal organizations based on a criminal subculture described in this article have been essentially able to operate uninterrupted for a fairly long period of time, that is to say, the criminal organization led by Paulus from at least 2006, and Dikajev's criminal organization from the year 2011. Paulus' connection with Indrek Põdra, a former employee of the Internal Control Department of the Internal Security Police was an effective shield against intervention by law enforcement agencies. It is reported that a corrupt security police officer mediated debts to a collection company connected to Paulus³⁵.

In the case of the criminal organizations described in this article, the following parts of the structure of a criminal organization can be distinguished:

- Leaders who provide guidance to members of the organization and play an important role in the overall process.
- Coordinators who plan and manage specific criminal activities.
- Lower level members who complete specific orders.

- Others, such as those responsible for certain logistic and technical processes³⁶.

Cross-border international organized crime exploits the EU's fundamental freedoms for illegal purposes, giving rise to increasing challenges for law enforcement. Thus, the police link the Dikajev-controlled criminal organization with VAT fraud in Latvia and Lithuania. Paulus' criminal organization created an international criminal drug business axis that operated in 2009-2013, which smuggled both hashish to Finland and Russia and Subutex pills to Finland. Hence, the above criminal organizations had a significant capability of development of the criminal business.

The use of primitive criminal methods characterized primarily the criminal organization controlled by Kuzyakin, but at the same time, the organization was able to operate for quite some time in Rakvere, a country center with high social control. The criminal organizations of Paulus and Dikajev successfully integrated the underworld based on a negative sub-culture and the white-collar criminals providing specific criminal services by conspiring their activities through legally operating companies. Most astonishing is the fact that Ats Pärnaste, one of the leaders of the criminal network of Paulus, actively communicated with the Estonian ski celebrities both in Estonia and abroad, and when Pärnaste was sentenced to eleven years in prison for a killing, the athletes made a joint statement supporting the perpetrator³⁷. Assar Paulus represented a real negative power in today's Estonian society. For example, Kersti Kracht, the President of Estonian Association of Small and Medium-Sized Enterprises, sent Paulus to carry out negotiations with her ex-husband³⁸. Criminal subcultures impose stringent frames to its members, and the principles are to be adhered to. Thus, Assar Paulus refused to work as a janitor in the detention facility³⁹.

Summary

The author believes that the criminal organizations described in the article are not sustainable in the long run, as the effective counteraction of Estonian law enforcement agencies in such a small criminal market simply does not allow it.

Nikolai Tarankov, representing Estonian sub-culture during the country regaining its independence, was murdered in Lääne County near Haapsalu last September. This leader of the underworld was killed by the son of a close friend with at least seven shots in the upper body and head⁴⁰. Under the leadership of Tarankov, orga-

nized crime has kept a low profile for a few decades, with a few exceptions. Bloody underworld wars remained largely in the period two decades ago. The apparent peace and division of spheres of influence through negotiations is vital for the organized crime itself. The organizations have tried to avoid the excessive attention of power structures when possible. To survive in a criminal world, it's important to know who exactly works under whose umbrella, since it allows criminals to figure out what the contours of each possible conflict are, and how far one can go when protecting their interests. No newcomers have been added to the criminal world over the last decade. Neither has the division of labor changed. Whenever possible, the organizations seek to legalize their activities. Here, an example of Stanislav Volkov who was closely related to the so-called "common fund," and who years ago was well known to car thefts. Today, vehicles in Estonia are mostly stolen by criminal organizations of Latvian and/or Lithuanian origin, and Volkov owns a successful restaurant in the Old Town of Tallinn. However, Volkov has not left his criminal ways, is being charged with his companions in organizing a systemic customs fraud, in connection with which, one customs officer was offered bribes⁴¹.

The figurehead of the organized crime in Estonia will be revealed in the near future. The candidature of Paulus, who was considered one of the possible successors to the assassinated Tarankov, or of the leader of the so-called Kemerovo group *Vjacheslav Gulevitch*,⁴² who had been close to Tarankov, and who was detained in Spain in August 2017, are of course out of the question, and the niche left from them on the criminal market is hardly likely to remain empty. In this regard,

it should be added that both Tarankov and Gulevitch are of Belarusian origin. The new possible leader of the Estonian underworld must, above all, have the support of the people who have influence over the underworld and be impartial in resolving criminal conflicts. A criminal organization remains stable on the sole authority of the leader. Thus, in the trial of Paulus, it happened that many of the accused had not initially consented to reach an agreement with the Prosecutor's Office, but the rational decision of the leader was if only reluctantly, to be enforced. The criminal world is pragmatic and has no empathy. For example, Oleg Lvov, who has been among the leading figures of the Estonian subculture and was in prison for eight years in the USSR, has lost his influence today⁴³.

The Estonian Central Criminal Police have crossed the earlier low season and are effectively fighting organized crime, targeting their resources primarily to the "underworld" leadership figures, whose negative action is the biggest danger to society. The Central Criminal Police has dismantled *fentanyl* drug traffic network which existed in Estonia for 15 years, dozen drug lords are awaiting trial and drug that have killed hundreds of men has disappeared from market⁴⁴. The landscape of activity of organized crime in Estonia is wide. The eradication of criminal organizations is complicated because these organizations are persistent and conspiring, but, as is shown by the many years of investigation of the Paulus' group, there is hope for success. However, it is unclear whether the so-called "common fund" which is unique criminal phenomenon in the Baltic Sea Region will survive as the core organization of Estonian underworld.

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Anotācija

Raksts veltīts organizētās noziedzības analīzei Igaunijā, balstoties uz vairāku grupējumu darbības izpēti. Rakstā noskaidroti galvenie organizētās noziedzības virzieni, to izcelsme, struktūra un ierobežošanas perspektīvas. Organizētās noziedzības aktivitātes aina Igaunijā ir plaša, un noziedzīgu orga-

nizāciju izskaušana ir sarežģīta, jo šīs organizācijas ir noturīgas un sagrupētas. Tomēr autors secina, ka vairāku gadu pētījumi liecina par panākumiem šāda noziedzības veida ierobežošanā.

Аннотация

Статья посвящена изучению организованной преступности в Эстонии на основании исследования деятельности нескольких преступных группировок. В статье выявлены главные направления организованной преступности, особенности их возникновения, структура, а также перспективы борьбы с организованной преступностью. Спектр деятельности организованной преступности в Эстонии весьма широк, и искоренение преступных организаций представляется сложным вследствие их устойчивости и сплочённости. Тем не менее, автор приходит к выводу, что проводимые на протяжении многих лет исследования свидетельствуют об успехах в борьбе с данным видом преступности.